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24998	7590	05/26/2005	EXAMINER	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP			GILLIGAN, CHRISTOPHER L	
2101 L Street, NW			ART UNIT	
Washington, DC 20037			PAPER NUMBER	

3626

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/805,910

**Applicant(s)**

WILKINSON ET AL.

**Examiner**

Luke Gilligan

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 07102001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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Claims 1-15 have been examined.

***Claim Objections***

1. Claim 1 is objected to because of the following informalities: the term "history" appears to have been inadvertently omitted after "medical" at line 3. At line 10, it is assumed that the step should recite "receiving and storing said general responses." Finally, term "responses" appears to have been inadvertently omitted after "specific" at line 13. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 10-15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 10 recites the phrase "comparing all input requests" at line 2. Claim 1, from which claim 10 depends, does not specifically identify any of the steps as an "input request," therefore, it is unclear what "all input requests" is intended to refer to. For examination purposes, the Examiner will interpret this limitation as "comparing an input request."

5. Claim 11 recites the phrase "said program comprising:" (a) through (f). It is unclear how the program that resides in a storage device can be comprised of a series of steps. For examination purposes, it will be assumed that the program controls the processor to perform the functions recited in (a) through (f).

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6. Claims 12-15 contain the same deficiencies as claim 11 through dependency and, as such, are rejected for the same reasons as given above.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-5, 7-8, and 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Bair et al., U.S. Patent No. 6,108,665.

9. As per claim 1, Bair teaches a method for facilitating behavioral assessments and monitoring mental health patients over a computer network, comprising: receiving a subject's personal and behavior-related medical history (see column 6, lines 12-22); storing said personal information and behavior-related medical history in a computer storage medium (see column 8, lines 15-27); selecting general behavior assessment questions based upon said personal information and behavior-related medical history (see column 11, lines 54-59); outputting said general behavioral assessment questions for prompting general responses by persons having knowledge of said subject's behavior (see column 12, lines 5-10); receiving and storing said general responses (see column 12, lines 11-19); selecting and outputting disorder specific behavioral assessment questions for prompting specific responses by said persons (see column 13, lines 7-12, note that by eliminating non-disorder specific questions, the administered questions become more disorder specific); receiving and storing said specific responses (see

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12, lines 11-19); and outputting diagnostic behavioral assessment information based on said general and specific responses (see column 13, lines 30-35).

10. As per claim 2, Bair teaches the method of claim 1 as described above. Bair further teaches receiving and storing payment information to the storage medium (see column 3, lines 27-35).

11. As per claim 3, Bair teaches the method of claim 1 as described above. Bair further teaches storing and outputting said subject's medication information (see column 9, lines 1-6).

12. As per claim 4, Bair teaches the method of claim 1 as described above. Bair further teaches storing and outputting articles and other information related to said subject's disorder (see column 14, lines 30-46, the Examiner is interpreting the "narrative reports" and "behavioral outcomes measurements" outputs to be a form of articles and other information).

13. As per claim 5, Bair teaches the method of claim 1 as described above. Bair further teaches receiving, storing and outputting referring medical provider information (see column 8, lines 56-66, note the "Referrals" portion of the "patient master screen").

14. As per claim 7, Bair teaches the method of claim 1 as described above. Bair further teaches receiving behavioral disorder or learning difficulty information search requests, and searching for, retrieving and outputting said behavioral disorder or learning difficulty information (see column 15, lines 52-61).

15. As per claim 8, Bair teaches the method of claim 1 as described above. Bair further teaches an assessment tool (see column 3, lines 15-25).

16. As per claim 11, Bair teaches an information system for facilitating behavioral assessment and monitoring of patients over a computer network, comprising: a processor (see column ); and a storage device, said storage device including a program for controlling the processor to perform the following functions: (a) receiving and storing personal information and

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medical history information concerning a patient from persons with required information (see column 8, lines 15-27); (b) outputting general behavioral assessment questions to ones of the person with required information (see column 12, lines 5-10); (c) receiving and storing general responses to the general behavioral assessment questions (see column 12, lines 11-19); (d) outputting specific behavioral assessment questions based upon said personal information, medical history and general responses (see column 13, lines 7-12, note that by eliminating non-disorder specific questions, the administered questions become more disorder specific); (e) receiving and storing specific responses to the specific behavioral assessment questions (see 12, lines 11-19); (f) and outputting diagnostic behavioral assessment information based on said personal information, medical history, general and specific responses (see column 13, lines 30-35).

17. As per claim 12, Bair teaches the system of claim 11 as described above. Bair further teaches the behavioral assessment questions are assessment scales administered to evaluators for treating learning disorders (see column 12, lines 56-58).

18. As per claim 13, Bair teaches the system of claim 12 as described above. Bair further teaches the assessment scales are provided to ones of the persons, including parents of the patient and teachers of the patient (see column 12, lines 56-58 and Figure 17, note in particular, the list of possible Interviewees).

19. As per claim 14, Bair teaches the system of claim 11 as described above. Bair further teaches the step of accessing responses to the behavioral assessment questions by ones of the persons (see column 11, lines 47-51).

***Claim Rejections - 35 USC § 103***

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 6, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bair et al., U.S. Patent No. 6,108,665 in view of Bro, U.S. Patent No. 6,249,809.

22. As per claim 6, Bair teaches the method of claim 1 as described above. Bair does not explicitly teach receiving, storing, outputting subject-to-subject messages in a patient message forum. Bro teaches a system for enabling behavioral modification which includes the feature of receiving, storing, outputting subject-to-subject messages in a patient message forum (see column 3, lines 41-45 and column 4, lines 15-16, note that the term 'client' is used to mean patient, see column 3, lines 35-36). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the system of Bair. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of enhancing the behavior modification in Bair by providing increased frequency therapeutic feedback (see column 1, line 65 – column 2, line 8).

23. As per claim 10, Bair teaches the method of claim 8 as described above. Bair further teaches said assessment tool permits users to access authorized assessments, completed assessments, expired assessments, and a behavioral health record of a patient (see column 3, lines 15-25). Bair does not explicitly specify that parents can access this information. Bro teaches a system for enabling behavioral modification which includes the feature of providing parents with access to information to help make decisions on healthcare. It would have been obvious to one of ordinary skill in the art at the time of the invention to permit parents to have

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access to the information in Bair to aid in making child care decisions. One of ordinary skill in the art would have been motivated to incorporate this element for the purpose of providing authority figures, such as parents, with the necessary information to aid in the behavior modification of their child (see column 2, lines 5-10 of Bro).

24. As per claim 10, Bair teaches the method of claim 1 as described above. Bair does not explicitly teach comparing an input request against a list of authorized persons and granting or denying said input request based upon said comparing step. Bro teaches a system for enabling behavioral modification which includes the feature of comparing an input request against a list of authorized persons and granting or denying said input request based upon said comparing step (see column 8, line 66 – column 9, line 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide such an authorization feature in the system of Bair. One of ordinary skill in the art would have been motivated to incorporate such a feature for the purpose of enhancing the protection of personal information which would be desirable according to the system of Bair (see column 10, lines 24-35 of Bair).

25. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bair et al., U.S. Patent No. 6,108,665 in view of Rappaport, U.S. Patent No. 6,648,649.

26. As per claim 15, Bair teaches the system of claim 14 as described above. Bair does not explicitly teach the ones of the persons accessing the responses to the behavioral assessment questions access the same responses over the Internet from respective remote locations. Rappaport teaches a system for enabling web-based medical evaluations including the feature of accessing the responses to behavioral assessment questions over the Internet from remote locations (see column 25, lines 34-41 and column 26, lines 24-32). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the



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system of Bair. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of enhancing the distributed network capabilities of Bair (see column 6, lines 50-60 of Bair).

### ***Conclusion***

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Lonski teaches a system for generating psychotherapy reports.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Gilligan whose telephone number is (571) 272-6770. The examiner can normally be reached on Monday-Friday 8am-5:30pm.

29. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

30. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**C. Luke Gilligan**  
**Patent Examiner**  
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